

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF FLORIDA

3 MIAMI DIVISION

4 CASE NO. 1:22-cv-24066-KMM

5 GRACE, INC., et al.,
6 Plaintiffs,
7 vs.
8 CITY OF MIAMI,
9 Defendant.

10
11
12 DEPOSITION OF
13 JARED A. JOHNSON
14

15 DATE TAKEN: Wednesday, October 18, 2023
16 TIME: 2:00 p.m. - 4:42 p.m.
17 PLACE: 333 S.E. 2nd Avenue
Suite 3200
18 Miami, Florida

19 Taken on behalf of Defendant by
Beatriz Valdes-Prieto, FPR, and Notary Public in
20 and for the State of Florida at Large.
21
22
23
24
25

APPEARANCES

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I N D E X

DEPOSITION OF

JARED A. JOHNSON

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1 THE COURT REPORTER: Raise your right hand,
2 please, sir, to be sworn.

3 Do you solemnly swear or affirm that the
4 testimony you are about to give will be the
5 truth, the whole truth, and nothing but the
6 truth?

7 THE WITNESS: Yes.

8 THE COURT REPORTER: Thank you, sir.

9 THEREUPON:

10 JARED JOHNSON

11 was called as a witness and, having been first
12 duly sworn remotely, was examined and testified
13 as follows:

14 DIRECT EXAMINATION

15 BY MR. LEVESQUE:

16 Q. Good afternoon, Mr. Johnson. My name is
17 George Levesque. I'm an attorney with GrayRobinson
18 and our firm represents the City of Miami in this
19 redistricting litigation. Before we get started in
20 earnest, have you ever been deposed before?

21 A. No.

22 Q. Okay. Have you ever been a plaintiff in a
23 lawsuit before?

24 A. No.

25 Q. Okay. What I'm going to do is I'm going to

1 go over some of the ground rules first so we have a
2 good base to work from. Obviously, the format is
3 question and answer. I ask questions, you provide
4 answers. As I'm asking questions and you're nodding
5 your head, the court reporter is taking down
6 everything that we say. So I might ask a yes or no
7 question, you might nod your head or shake your head.
8 I know exactly what you mean because if we were
9 sitting in a restaurant having a beer or something
10 like that, I would know. But because she's taking
11 down everything that we say out loud, I'll need you to
12 answer audibly. I'm not always the best about it.
13 Your counsel might be better than I am about it.
14 Sometimes the court reporter is better than all of us
15 because she's the one that takes it down. So at
16 different times somebody might say, "is that a yes."
17 They're not meaning to be rude or anything. They're
18 just trying to get an accurate transcription of the
19 record.

20 One of other the things that's important
21 is, as we're having communications, sometimes in the
22 course of a communication you may know exactly where
23 I'm going with my question and you might start to
24 answer. If we're in a situation where we're both
25 talking over each other that makes the court

1 reporter's job more challenging. So let's try to make
2 her job easier by letting me finish my question and
3 I'll do my best to let you finish answering the
4 question and try not to interrupt so that we're not
5 talking over each other. Is that fair?

6 A. Yes.

7 Q. At different times I may ask a question
8 that is confusing or a question that you don't
9 understand. Please ask me to repeat it or rephrase it
10 and I'll do the best that I can. That happened a
11 little bit in the last deposition because sometimes my
12 questions are not always the clearest questions. At
13 different times I might ask a question that might be
14 objectionable and your counsel may object. If she
15 does object, what I'd ask you to do is just allow her
16 to get her objection on the record, and then from
17 there I might ask if you understand the question, go
18 ahead and answer the question. At different times she
19 might instruct you not to answer. I can't give you
20 legal advice what to do but I might confirm whether
21 you're going to follow your counsel's instruction.

22 Are you on any medication that would impair
23 your ability to recall or testify truthfully today?

24 A. No.

25 Q. Can you please state your full name for the

1 record?

2 A. Jared Arin Johnson.

3 Q. And how do you spell that middle name?

4 A. A-R-I-N.

5 Q. What is your current residential address?

6 A. 255 Southwest 11th Street, Apartment 1302,
7 Miami, Florida 33130.

8 Q. And how long have you lived in that
9 residence?

10 A. It's been over two years. Two years and a
11 few months.

12 Q. And roughly when did you move into that
13 residence?

14 A. I believe, July of 2021.

15 Q. Where did you live before then?

16 A. New York City.

17 Q. And what brought you down to sunny south
18 Florida?

19 A. My wife is currently attending law school
20 at the University of Miami.

21 Q. And what year is she in?

22 A. She's now in her third year.

23 Q. Okay. There's a light at the end of the
24 tunnel.

25 A. There is.

1 Q. And how long did you live in New York City?

2 A. I lived in New York for almost five years.

3 I moved to New York in September of 2016.

4 Q. And where did you live before New York
5 City?

6 A. I lived in Arlington, Virginia.

7 Q. And how long did you live in Arlington?

8 A. I believe around, maybe, six years. I
9 think I moved there in 2010.

10 Q. Where were you born?

11 A. Alexandria, Virginia.

12 Q. Did you generally live in the Virginia area
13 from the time of your birth until the time that you
14 moved to New York?

15 A. Yes. Correct.

16 Q. Can you briefly describe your academic
17 background?

18 A. Yes. I have a bachelor of science in
19 systems engineering from the University of Virginia.
20 That's my latest amount of education acquired.

21 Q. And what do you currently do?

22 A. Self-employed as a digital product manager.

23 Q. And I honestly don't know the answer to
24 this question. What is a digital product manager?

25 A. I know. Whenever someone asks me, there's

1 a lot of different answers. Essentially we work with
2 companies to create digital applications -- web,
3 mobile applications from like strategy through
4 development and implementation.

5 Q. Do you hold any certificates in any areas?

6 A. Nothing since graduation. I had a minor in
7 engineering -- in business, but, no, no other
8 certificates since graduation.

9 Q. And how long have you been self-employed?

10 A. Since August of 2021.

11 Q. Is that roughly around when you moved to
12 South Florida?

13 A. Yes.

14 Q. Where were you employed in New York City?

15 A. At a digital agency called Work & Co.

16 Q. And what did they do?

17 A. Web and mobile application development for
18 various clients.

19 Q. And do you currently rent an apartment?

20 A. I do.

21 Q. And do you have documentation that would
22 reflect that that is your primary residence?

23 A. Yes.

24 Q. What type of documentation would you have?

25 A. A lease -- leasing agreement.

1 Q. And that's in your name?

2 A. Yes.

3 Q. Do you have a Florida driver's license?

4 A. Yes.

5 Q. Does it reflect that address?

6 A. Yes.

7 Q. Do you have a voter ID?

8 A. I don't know what a voter -- but they gave
9 me a piece of paper that said I --

10 Q. It's a piece of paper that tells you what
11 precinct that you vote in and --

12 A. Yes, I do. Yes.

13 Q. And do you know if -- are you registered to
14 vote at that address?

15 A. Yes.

16 Q. And have you voted in any of the elections
17 in Miami-Dade County since moving to Florida?

18 A. Yes.

19 Q. Which elections have you voted in?

20 A. I voted in the gubernatorial -- last
21 gubernatorial election.

22 Q. And that would have been the DeSantis/Crist
23 election?

24 A. Correct. Yes.

25 Q. Other than voting for the governor, did you

1 vote for the other candidates that were on the ballot
2 in that election?

3 A. Yes.

4 Q. Did you vote for all of them?

5 A. Yes.

6 Q. And just for clarity of that question, you
7 voted in all of the races; you didn't necessarily vote
8 for all of the candidates?

9 A. I voted for all the candidates that were
10 provided on the ballot.

11 Q. How did you become -- how did you come to
12 be involved in this litigation?

13 A. It was as a member of the Engage Miami
14 organization.

15 Q. And what is Engage Miami?

16 A. It's an activism organization based here in
17 Miami, Florida.

18 Q. How did you become acquainted with Engage
19 Miami?

20 A. Upon moving to Miami I was looking for
21 organizations to get involved in both as a way of
22 meeting people and building community, as well as
23 finding people with similar interests to mine, and did
24 a Google search and found Engage and then became a
25 member.

1 Q. And what did you have to do to become a
2 member?

3 A. I believe there was a form -- an online
4 form that I filled out that, you know, made that
5 membership official.

6 Q. And other than completing a membership
7 form, did you do anything else to become a member?

8 A. I believe I also paid an amount of money to
9 them as well.

10 Q. Did they recommend an amount or did you
11 make just a particular donation?

12 A. I can't recall if there was -- it was a
13 couple years ago so I can't recall if there was an
14 amount or not that was recommended.

15 Q. Was it a one-time payment that you made?

16 A. I do remember that there is a recurring
17 donation that I do make to the organization.

18 Q. And is that a recurring donation that you
19 make annually?

20 A. I believe it's quarterly.

21 Q. Do you recall what that is?

22 A. I believe it's \$50.

23 Q. As part of your membership did you have to
24 make a pledge or affirm certain statements or
25 positions of Engage Miami?

1 A. No.

2 Q. Did you have to attest to a certain code of
3 conduct or behavioral requirements for Engage Miami's
4 members?

5 A. No.

6 Q. Are you aware of any type of requirement
7 that would either restrict or prescribe membership if
8 someone disagrees with the positions that Engage Miami
9 takes?

10 A. Not that I'm aware of.

11 Q. And then specifically related to this
12 litigation, I think you indicated that you became
13 involved through Engage Miami?

14 A. Uh-hum.

15 Q. How did you become involved as a plaintiff?

16 A. I had a conversation with Yani who is a
17 member of Engage Miami.

18 Q. Is that Yani Valdes?

19 A. Yes.

20 Q. And do you know what her title is?

21 A. I do not know off the top of my head her
22 exact title. I know she's in the leadership of the
23 organization.

24 Q. And what was your conversation with Yani?

25 A. Just being made aware of the lawsuit and

1 talking through whether I would like to be a member as
2 a plaintiff of the lawsuit.

3 Q. And did you speak to anyone else about the
4 decision to become a plaintiff in the lawsuit other
5 than Yani?

6 A. Probably mentioned it to my wife as well.

7 Q. And this will be true -- as much as I might
8 like to know, I don't want to know any of the
9 conversations between you and your wife or --

10 A. Sure.

11 Q. -- you or your counsel.

12 A. Okay.

13 Q. Other than your wife, and I'm assuming at
14 some point you did speak to your counsel, but other
15 than those, did you speak to anyone else other than
16 Yani related to joining this lawsuit?

17 A. No.

18 Q. And what did you -- what did she tell you
19 the lawsuit would involve?

20 A. She mentioned, from my recollection, it
21 would involve a suit against the City in regards to
22 racial gerrymandering -- racially motivated
23 gerrymandering of the commission district.

24 Q. When the City was drawing its districts in
25 2022 or in late 2021 going into 2022, you were a

1 resident of the City at that time, correct?

2 A. That's correct.

3 Q. Did you attend any of the city commission
4 meetings?

5 A. No, I did not.

6 Q. During the 2023 period in June of this
7 year, did you attend the city commission meeting where
8 they were drawing the 2023 plan?

9 A. No.

10 Q. And when I refer to the 2022 plan, do you
11 understand that I'm referring to the plan that they --
12 the plan that they drew in 2022?

13 A. Yeah. The initial map.

14 Q. The original rewrite?

15 A. Yes.

16 Q. And then, when I refer to the 2023 plan,
17 I'm referring to the plan that passed in June of 2023.

18 A. Yes.

19 Q. What is your understanding of the history
20 of redistricting in the City of Miami?

21 A. I don't have a lot of context around the
22 history of redistricting in Miami.

23 Q. So you've not like read any books, done any
24 research as to, you know, the way pre-1997 how the
25 City used to hold its elections and then after 1997

1 how the City held its elections and how the districts
2 were designed in 1997, 2003, or 2013?

3 A. I don't recall any context around pre-1997
4 elections.

5 Q. What about after 1997?

6 A. No. Well, now, I obviously know about
7 what's happened since the map has been -- you know,
8 from the 2022 map. But between 1997 and 2022 my
9 knowledge of the redistricting process is limited.

10 Q. Okay. In terms of even as a source of your
11 limited knowledge from 1997 to 2022, what would be the
12 source of your knowledge?

13 A. I'm sorry. Can you repeat that question?

14 Q. Sure. You indicated that your knowledge of
15 whatever happened between 1997 and 2022 is limited?

16 A. Yes.

17 Q. That implies there's a little bit. It
18 might not be a lot but a little bit. What would be
19 the source of that knowledge?

20 A. Just understanding, you know, the idea of
21 an at-large -- the at-large districts that were done
22 previously versus the district structure that exists
23 now. I can't recall the exact source of that insight.
24 That's the only -- that's the extent of the insight
25 that I have around, kind of, the history of the

1 structure of Miami elections.

2 Q. Mr. Johnson, I am going to start with
3 showing you a copy of the First Amended Complaint, and
4 we're not going to mark this one simply because it's a
5 big document. We don't need to get crazy with it.

6 A. Sure.

7 Q. And I'll give you a second to look at that
8 and then I will ask you, do you recognize that
9 document?

10 A. Yes.

11 Q. What is that document?

12 A. This is the First Amended Complaint in
13 regards to this case.

14 Q. Did you see that document before it was
15 filed?

16 A. I cannot recall the timing at which I
17 viewed the document.

18 Q. If I represent to you that the document was
19 filed on February 10th, 2023, does that help orient
20 you as to whether you saw it before or after it was
21 filed?

22 A. No. It does not.

23 Q. Okay. And on page 5, paragraph 26, you are
24 identified as a Black resident of Brickell in District
25 3; is that correct?

1 A. Yes.

2 Q. And to the best of your knowledge is that a
3 truthful statement?

4 A. Yes.

5 Q. And also, in paragraph 30, it goes on to
6 assert that the enacted plan, which is referring to
7 the 2022 plan, places plaintiffs Cooper, Johnson, and
8 Valdes and organizational plaintiffs' members in
9 districts where they are not the predominant racial
10 group. Do you know what the predominant racial group
11 is in District 3?

12 A. I'm not a hundred percent sure. My
13 assumption is Hispanic.

14 Q. And why would that be your assumption?

15 A. Based on observation of those in my
16 district.

17 Q. Would it be fair to say, based upon
18 observation, that a significant majority of the
19 residents of the City of Miami are Hispanic?

20 A. No.

21 Q. Okay. Are you aware of whether super
22 majority of the residents of Miami are Hispanic?

23 A. No.

24 Q. No knowledge of that?

25 A. No.

1 Q. Okay. Do you observe a lot of Hispanics
2 living in your neighborhood?

3 A. Define my neighbor. Can you define my
4 neighborhood?

5 Q. You identified Brickell as an area where
6 you live. Would you consider that your neighborhood?

7 A. Yes. Brickell.

8 Q. So in Brickell, are there a lot of Hispanic
9 residents?

10 A. There's a good amount of Hispanic
11 residents.

12 Q. Do you know if they -- would you consider
13 them to be the majority race or ethnic population for
14 that area of Brickell?

15 A. It is not clear to me whether or not that
16 is the case.

17 Q. Okay. In terms of other race or ethnic
18 population that might rival the size of the Hispanics,
19 and I don't mean that they're necessarily battling
20 each other but just in terms of quantity, what other
21 races or ethnicities might be comparative to their
22 size?

23 A. I would say white Caucasian.

24 Q. So do you know what race or ethnicity the
25 commissioner from District 3 is?

1 A. Yes.

2 Q. And what is that?

3 A. Hispanic.

4 Q. Do you have a problem being represented by
5 a Hispanic commissioner?

6 A. No.

7 Q. Do you have a problem with your current
8 commissioner?

9 A. Define problem, please.

10 Q. Is he somebody that you would support?

11 A. No.

12 Q. Okay. Do you believe that you were placed
13 into District 3 because you were Black?

14 A. I believe that the drawing of District 3
15 had racial intention.

16 Q. What is your basis for making that
17 statement?

18 A. My basis is both -- well, validation,
19 number one, is through the preliminary injunction that
20 was issued by Judge Moore and looking at the map that
21 was presented by the City.

22 Q. Okay. We've got some things there to
23 unpack.

24 A. Sure.

25 Q. Well before the judge issued the

1 preliminary injunction --

2 A. Sure.

3 Q. -- there's an amended complaint that was
4 filed that asserted that you were placed into a
5 district where you were not the predominant race and
6 further allegations that indicate that you were placed
7 in that district because of your race. So let's put a
8 pin in the preliminary injunction one.

9 A. Sure.

10 Q. What are -- and I apologize. I got
11 distracted and didn't write down the second one. Do
12 you recall what the second basis was?

13 A. Well, that's why I said -- it wasn't a
14 basis. I just wanted to make the note that the judge
15 issued that preliminary injunction that did validate
16 my concern. I said initially the concern was based on
17 the map that was initially -- that 2022, I believe,
18 that initial map that was issued by the City.

19 Q. That's right. And so related to the 2022
20 map --

21 A. Yes.

22 Q. -- what about that map makes you believe
23 that you were placed in your district because of your
24 race?

25 A. You know, I believe that based on the way

1 in which those lines were drawn indicated that there
2 was -- and other statements that were made by
3 commissioners around the creation of the map --
4 indicated there was an intention to create those
5 borders or those boundaries, rather, based on racial
6 intent.

7 Q. So in drawing District 3, what is your
8 understanding of what the City's intention was?

9 A. My assumption about the City's intention is
10 to ensure that boundaries are drawn that, essentially,
11 compile people of the same race into their own
12 individual districts, including District 3.

13 Q. So in drawing District 3, it was the City's
14 goal to unite people of the same race in District 3?

15 A. I believe that the goal is to broadly --
16 you know, not in an absolute term but broadly,
17 essentially, place people of the same race in the same
18 district.

19 Q. Okay. What district do you think you
20 should be in?

21 A. Personally, I -- I have a preference for
22 being in District 2.

23 Q. Have you analyzed the statistical numbers
24 for the 2022 plan?

25 A. I have reviewed those numbers -- the

1 numbers that were provided by -- I forgot the name of
2 the professor that provided those numbers, but I did
3 review them.

4 Q. Okay. Is the professor that you're
5 referencing Dr. Abott who performed an expert analysis
6 in this particular litigation?

7 A. Yes.

8 Q. Have you ever spoken with Dr. Abott?

9 A. No.

10 Q. In paragraph 30 of the amended complaint
11 you state that "The enacted plan sends the message
12 that their commissioner's job is to represent the
13 predominant group, not them." What is your basis for
14 that statement?

15 A. If the intention is to create borders or
16 boundaries of districts based on race, then I think it
17 follows that you would assume that a commissioner's
18 job is primarily to serve the interests of those who
19 they're intentionally racially gerrymandering for.

20 Q. Let me ask you about that.

21 A. Sure.

22 Q. Are you aware that the plaintiffs have
23 proposed four plans in this litigation as
24 alternatives?

25 A. Yes.

1 Q. Have you reviewed those plans?

2 A. Yes.

3 Q. Have you reviewed the statistical analysis
4 of those plans?

5 A. Yes.

6 Q. Are you aware that those plans also have
7 three districts that will likely elect a Hispanic
8 candidate, one district that is specifically designed
9 to elect a Black candidate and that is required by the
10 Voting Rights Act, and then a plurality district that
11 doesn't have a majority of any particular race or
12 ethnicity?

13 A. I think that the assumption that three
14 Hispanic commissioners would be elected and one Black
15 representative would be elected is just an assumption.

16 Q. Do you know if the plaintiffs have put
17 forth expert analysis at least as to the Black
18 district, D5, that a Black preferred candidate would
19 be elected from that district?

20 A. I am not aware of additional expert
21 analysis of District 5, no.

22 Q. And I want to be clear. When we're talking
23 about those districts, we're talking about districts
24 that not necessarily are going to elect a Black
25 candidate or a Hispanic candidate, but that would

1 elect a Black preferred candidate or Hispanic
2 preferred candidate. Do you currently know who serves
3 in District 5?

4 A. I am not aware of who serves in District 5,
5 or I can't recall the name of the representative.

6 Q. Do you currently know who serves in
7 District 2?

8 A. I am not aware of or cannot recall the name
9 of the representative for District 2.

10 Q. But you would rather have her as your
11 commissioner versus Commissioner Carollo?

12 A. It's not for me to say which of the
13 existing commissioners I would rather have. My main
14 concern is to be placed in a district that is not
15 racially gerrymandered so I feel empowered to elect
16 someone who serves my interests.

17 Q. Would you agree that -- and I understand
18 that it's the plaintiffs' position that the districts
19 were racially gerrymandered to elect three candidates
20 that would be the Hispanic-preferred candidate, one
21 candidate that would be the Black-preferred candidate,
22 and one candidate that would be the Anglo-preferred
23 candidate, apparently. Would you agree that if the
24 four plaintiffs' plans have very similar racial
25 numbers that would produce very similar results, they

1 just, you know, break up the neighborhoods a little
2 differently, that that might be an indicator that the
3 City's plans are racially gerrymandered?

4 A. I take a little exception to a little
5 different. I think that the maps that the plaintiffs
6 have put forward -- and also based on the last
7 judgment by the judge who, I think for, I believe, Map
8 4 indicated that that map was not racially
9 gerrymandered. So I would disagree with the assertion
10 that the maps that have been agreed upon by the
11 plaintiffs and presented are a little -- have a little
12 difference to the City's map.

13 Q. You've referenced the judge's rulings
14 twice.

15 A. Yes.

16 Q. Are you aware that 11th Circuit, the people
17 who sit above him, have told him he's wrong?

18 A. I don't believe they've told him he's
19 wrong. I believe that there is an injunction to
20 actually have a court case and a trial to adjudicate
21 the claims.

22 Q. And do you understand that the injunction
23 is not actually a judgment on the merits that has been
24 issued, correct?

25 A. That is correct.

1 Q. So the judge actually might be convinced at
2 trial that there's not a racial gerrymandering here.

3 A. Yes.

4 Q. Are you also aware that the 11th Circuit
5 said, at least in terms of the imposition of
6 plaintiffs' plan four, that it doesn't appear to
7 correct any of the racial gerrymandering that is
8 claimed?

9 A. Yes.

10 Q. So you've read the 11th Circuit opinion?

11 A. I haven't read it in its entirety. I'm
12 aware of the 11th Circuit opinion.

13 Q. In paragraph 32 you state that "The members
14 are further harmed because the enacted plan splits up
15 their neighborhoods and they are split along racial
16 lines." I want to break that up. First, is it your
17 understanding that splitting up neighborhoods is, per
18 se, racial gerrymandering?

19 A. That depends on the definition of
20 neighborhood. I can't say in absolute terms that, you
21 know, in a broad sense that it is, but in the context
22 of the districts that have been drawn for Miami,
23 specifically from the State, it's my personal opinion
24 that it is.

25 Q. So anytime the City breaks up a

1 neighborhood or doesn't unite a neighborhood that
2 might have historically been split between two
3 districts, that's racial gerrymandering?

4 A. Again, it depends on the context and the
5 details of the demographics and the population within
6 the specific neighborhood that is being cut up.

7 Q. If we're talking about a Hispanic
8 neighborhood that has historically been divided
9 between District 1 and District 4, Hispanic on one
10 side, Hispanic on the other, and no other way to draw
11 that area other than to have it in an Hispanic
12 district, is splitting that neighborhood a racial
13 gerrymander?

14 MS. MCNAMARA: Objection to the form. You
15 can answer.

16 THE WITNESS: Looking at it in isolation,
17 if we're talking about a city that just had
18 Hispanic residents and we're splitting a 100
19 percent Hispanic city into two districts, no.

20 BY MR. LEVESQUE:

21 Q. Okay. We can set that aside. I'm going to
22 provide you a copy of the Supplemental Complaint that
23 we will not attach as an exhibit. Have you seen this
24 document before?

25 A. Yes.

1 Q. And what is this document?

2 A. It is a Supplemental Complaint that was
3 filed by the plaintiffs.

4 Q. And did you review this document before it
5 was filed?

6 A. I cannot recall the exact time that I
7 reviewed this document.

8 Q. And this document is dated September 7th,
9 2023. Does that help identify whether you reviewed it
10 before or after it was filed?

11 A. No. It does not.

12 Q. Do you know if you would have approved this
13 document before it was filed?

14 A. I believe I would have.

15 Q. Looking at this Supplemental Complaint, on
16 page 3, paragraph 12, it indicates that you're Black
17 and you were a resident of District 3 under the 2022
18 plan and still are a resident of District 3 under the
19 2023 plan. Is that a true and accurate statement?

20 A. Yes.

21 Q. Out of curiosity, which district are you in
22 in the plaintiffs' plans?

23 A. I believe in the first I am in District 2,
24 and I believe in the subsequent three I'm in District
25 3.

1 Q. So even in their plans they didn't put you
2 in District 2?

3 A. Well, I -- yes. In some of them.

4 Q. Did you ask to be put in District 2?

5 A. I've supported -- I've supported the map
6 that we put forth, the P4. I did advocate for being
7 put in District 2, yes.

8 Q. Were you aware that plaintiffs' plans split
9 Brickell?

10 A. Yes.

11 Q. When plaintiffs' plans split Brickell, did
12 they do it with racial reasons?

13 A. It's not the intention, no.

14 Q. Regarding either the '22 plan or the '23
15 plan, is it your contention that it's not the effect
16 of the plan it's just whatever the city commissioners
17 intended that's problematic?

18 A. I believe both can be problematic. I
19 believe the intention, as well as the result, you
20 know, also -- is also problematic.

21 Q. If the result of the 2023 plan in terms of
22 overall election performance is substantially similar
23 to the plaintiffs' plan four, in that scenario, would
24 you agree that just because the results are the same
25 that that might be an indicator that there is no

1 gerrymandering --

2 A. No.

3 Q. -- and that you have to look at the intent?

4 A. No.

5 Q. Why would that be the case?

6 A. We're speaking hypothetically. I think the
7 intent for myself as a plaintiff, as well as the other
8 plaintiffs, to my understanding, is to intentionally
9 create maps that are not racially gerymandered and
10 that just allows the residents of the districts to be
11 able to feel empowered to elect representatives that
12 represent their interests. So that is the extent to
13 which my concern is. To remedy a map and then say,
14 oh, we didn't talk about race but you're still
15 essentially mirroring, you know, for the most part,
16 based on the analysis of the expert as well, you know,
17 to me is still problematic.

18 Q. Are you aware that Dr. Abott identified
19 that there are a lot of similarities between
20 plaintiffs' Districts 2 and 5 in plan four and the
21 2023 plan?

22 A. I cannot recall that assertion by him.

23 Q. Her.

24 A. Her. Sorry.

25 Q. Are you aware that -- let me ask you this,

1 did you review the report of Dr. McCartan who drew
2 comparisons on compactness and population comparisons
3 between the plans?

4 A. I don't recall reviewing his report.

5 Q. And as it relates to the 2023 plan, you
6 also assert you are not the predominant racial group
7 in District 3. What is the predominant racial group
8 in District 3's plan? I'm sorry. The 2023 plan for
9 District 3.

10 A. I believe it's Hispanic. That's my
11 assumption.

12 Q. Why is that only an assumption?

13 A. Because I just can't recall. I believe I
14 did look at the statistics based on that study. I
15 just can't recall the exact number.

16 Q. And what about the crafting of the 2023
17 plan specifically conveyed the message that the
18 commissioners' job is to represent the predominant
19 group, not them?

20 A. Could you repeat the question again? I'm
21 sorry.

22 Q. What about the 2023 plan specifically --
23 because they were passed at different times.

24 A. Uh-hum.

25 Q. They say different things.

1 A. Sure.

2 Q. What about the passage of the 2023 plan
3 sent a message that their commissioner's job is to
4 represent the predominant group, not them?

5 A. Well, as I said, in the 2022 plan because
6 of our understanding of the intentionality to racially
7 gerrymander those districts and the 2023 plan being
8 pretty similar, in my opinion, to the 2022 plan, I
9 arrived at the same conclusion for the 2023 plan.

10 Q. Did you compare either the 2022 or the 2023
11 plan to the 2013 plan?

12 A. No.

13 Q. Did you compare them to the 2003 plan?

14 A. No.

15 Q. Or the 1997 plan?

16 A. No.

17 Q. Does your opinion change if, at least in
18 terms of the progressions of the plans, they generally
19 maintain the same general shape from cycle to cycle
20 except for the equalization of population?

21 A. No.

22 Q. Why not?

23 A. First of all, I'm looking purely at the way
24 the lines are drawn now based on the demographics that
25 exist currently. I'm not aware of the demographics of

1 different parts of Miami in the past. I think the
2 only thing I could really look at or is relevant to my
3 analysis of the maps in the context of gerrymandering
4 is the existing demographics.

5 Q. What is your familiarity with traditional
6 redistricting principles?

7 A. None.

8 Q. If a traditional redistricting
9 principle includes maintaining the core of the
10 existing district, would you have any reason to
11 believe that following that traditional redistricting
12 principle it's still racial gerrymandering?

13 A. Not in isolation.

14 Q. Are you aware of why -- and I'll represent
15 to you that maintaining the core of existing districts
16 is a traditional redistricting principle. Are you
17 able to think about why that might be a good principle
18 for someone responsible for drawing district lines to
19 follow?

20 A. Not off the top of my head.

21 Q. If the districts don't change
22 significantly, do you think that would help in
23 avoiding voter confusion?

24 A. Can you repeat the question again? Sorry.

25 Q. If the districts don't change significantly

1 from cycle to cycle --

2 A. Uh-hum.

3 Q. -- do you think that would help with
4 avoiding voter confusion?

5 A. I'm not sure.

6 Q. If the districts don't change from cycle to
7 cycle, do you think that would allow the communities
8 of interest within the district to build stronger
9 bonds and advocate together to their commissioner?

10 A. In the absence of insight around that, I'm
11 not aware. I don't know.

12 Q. Now, Mr. Johnson, I am going to show you
13 what we are going to mark as Defendant's Exhibit 8224.

14 (Thereupon, Resolution 23-271 City's Proposed
15 Remedy was received as Defendant's Exhibit 8224
16 for identification.)

17 Q. And before I ask my next set of
18 questions -- I probably skipped this in the intro --
19 this is not intended to be the Spanish Inquisition or
20 some type of torture session.

21 A. Okay.

22 Q. If you need to take a break for water or
23 comfort or whatever, just let me know. The one thing
24 that I would ask is if we've got a question pending,
25 let's go ahead and dispose of the question pending and

1 then we can take a break.

2 A. Okay. Great.

3 Q. Have you seen this plan before?

4 A. Yes.

5 Q. What is this plan?

6 A. This is the City's proposed remedy.

7 Q. So this would be the plan that was passed
8 earlier this year?

9 A. Yes.

10 Q. And this is the plan that the upcoming
11 elections in November will be conducted under?

12 A. Yes.

13 Q. As you look at District 3 there, what about
14 the lines of District 3 do you believe constitute a
15 racial gerrymandering?

16 A. Well, without the actual data points
17 overlaid on top of the map, just from the eye test
18 looking at the incursion into Coconut Grove of
19 District 3, is one that I can see right now. And
20 especially as it differs from the maps that we've --
21 the plaintiffs put together in trying to keep together
22 coherent geographic boundaries, it just seems that
23 that's not really the case here for District 3
24 specifically.

25 Q. Okay. Is there anything other than the

1 incursion into Coconut Grove and the reference to
2 geographic boundaries that you're relying on?

3 A. Again, from the eye test, looking at
4 Shenandoah and The Roads being split, I'm not sure
5 exactly what the specific numbers of demographics are
6 there. That also sticks out to me.

7 Q. Is the fact that Brickell splits an
8 indicator of racial gerrymandering to you?

9 A. It is. Or it can be in the context of the
10 broader District 3.

11 Q. Okay. And when you say in the context of
12 the broader District 3, how do you mean?

13 A. Well, taking all of my statements together,
14 the incursion into Coconut Grove, the splitting of
15 Brickell, the splitting of The Roads and Shenandoah
16 collectively seemed to be a racial gerrymander. So
17 Brickell being split in insolation I don't believe
18 is -- it's part of the broader District 3.

19 Q. So if they didn't make the incursion into
20 Coconut Grove and they didn't split Shenandoah but
21 they did split Brickell, would that sort of standing
22 alone then not be sufficient to conclude racial
23 gerrymandering?

24 A. Again, without the data points, I'm just
25 relying on an eye test. You know, going into more

1 detail as we had done with the maps that we put
2 together, you know, is our recommendation of how to
3 eliminate the racial gerrymandering particularly of
4 District 3 as well.

5 Q. Now, the incursion of District 3 into
6 Coconut Grove, specifically that area of Natoma
7 Manors -- are you familiar with that area?

8 A. I've spent some time like biking around
9 there but not intimately familiar.

10 Q. Are you aware that one of the commissioners
11 maintains a residence at almost the very point of that
12 foot?

13 A. I do know that.

14 Q. Okay. You would agree that drawing a
15 commissioner's residence into his district doesn't
16 have anything to do with racial reasons, correct?

17 A. In isolation of just saying my residence
18 and my district, no. In the context of this,
19 potentially.

20 Q. Potentially but not necessarily?

21 A. Again, I'm doing it based on an eye test.
22 We have to go into actual data. Again, we've put maps
23 together that have mitigated or eliminated the racial
24 gerrymander that was presented by the City.

25 Q. And is it your understanding that the

1 numbers -- the data bear out that you've eliminated
2 the racial gerrymander?

3 A. I believe with the map that we have
4 recommended, that we have done so.

5 Q. Okay.

6 A. That is my opinion.

7 Q. Mr. Johnson, I am going to provide you with
8 what we are going to mark as Defendant's Exhibit 8212.

9 (Thereupon, Appendices was received as
10 Defendant's Exhibit 8212 for identification.)

11 Q. And I will represent to you that this is an
12 excerpt of the appendix that was attached to
13 Dr. Abbott's report.

14 A. Okay.

15 Q. I believe you indicated that you did look
16 at her report and have you reviewed this appendix
17 before?

18 A. I can't recall if I looked at the appendix.

19 Q. Okay. I would like to draw your attention
20 to the last data block on page 15.

21 A. Okay.

22 Q. And for the five districts, they identify
23 various districts with white voting age population,
24 Hispanic voting age population, and Black voting age
25 population. Do you see that?

1 A. I do.

2 Q. And then they also identify white citizen
3 voting age population, Hispanic citizen voting age
4 population, and Black citizen voting age population.
5 Do you see that as well?

6 A. Yes. May I ask a question?

7 Q. Yes.

8 A. The difference between citizen and -- so is
9 this the voting -- the voting population versus the
10 citizens who are eligible to vote? Is that the
11 difference between --

12 Q. Citizen voting age population.

13 A. So those who are eligible to vote?

14 Q. I'll let your counsel explain the
15 difference there. Because there are some --

16 A. All right. Sorry.

17 Q. -- nuances and --

18 A. Okay.

19 Q. In any event, I guess my starting question
20 is, do you know the difference between the two?

21 A. Between citizen voting and --

22 Q. Just voting age population and citizen
23 voting age population?

24 A. No.

25 Q. That's fine. And you indicated that the

1 data would reflect some of the gerrymandering that
2 occurs. Let's just look at the voting age population.
3 What about that data indicates that racial
4 gerrymandering is occurring in your mind?

5 A. I'm still trying to understand what I'm
6 seeing. Are these the proportions of --

7 Q. The voting age population --

8 A. -- the voting age population? So are we
9 looking at both the voting age and the citizen voting
10 age or one or the other? I'm just trying to
11 understand.

12 Q. Well, you had indicated that the data
13 demonstrates racial gerrymandering?

14 A. In part, yes.

15 Q. And so, I guess, what about this particular
16 data in your mind demonstrates racial gerrymandering
17 is occurring? And if you want, we can just focus on
18 District 3 for the time being.

19 A. Well, again, you're showing me one set of
20 data and I think when I say data I don't mean like one
21 table on this appendix. I'm looking at the data more
22 holistically of demographics and shifts and those
23 types of things. So based on what you're showing me
24 right now is not consistent with what I refer to as
25 data.

1 Q. Okay. Can you explain that a little more?

2 A. I'm basing, you know, my position around
3 what was -- what was in the report that I read, not
4 this appendix. I can't recall if I read the appendix
5 or not. But based on the data that was also used by
6 Judge Moore to indicate that there was no significant
7 difference between the output of this map relative to
8 the City's original map, that's the data that I'm
9 referencing.

10 Q. Okay. Well, then let me just sort of -- in
11 looking at District 3, I think you indicated that The
12 Roads was a neighborhood that was split in District 3?

13 A. Yeah. The Roads and Shenandoah, yes.

14 Q. Okay. Do you know where the boundaries for
15 The Roads and Shenandoah are?

16 A. I don't know the specific boundary of those
17 neighborhoods, no.

18 Q. Are you able to roughly mark out -- and I
19 understand that it might not be exact but would you be
20 able to roughly mark out like the area that you think
21 The Roads is?

22 A. My assumption is that it's somewhere
23 between where it says The Roads and Shenandoah at
24 least from east to west, and then I'm assuming it's
25 between Little Havana and The Roads on the north side.

1 Q. Okay. With that test, would you agree that
2 whatever the various potential actual boundaries,
3 would you agree that the words The Roads are entirely
4 in District 3?

5 A. According to this map, I believe maybe.

6 Q. Okay. And at this point I'm not even
7 actually asking about the boundaries for the
8 neighborhood. I'm just asking are the words "The
9 Roads" in District 3?

10 A. The Roads in the City-proposed remedy, yes.

11 Q. Okay. Do you know if there's a defined
12 neighborhood that actually -- or some sort of official
13 city definition that defines the areas of The Roads?

14 A. Not that I'm aware of.

15 Q. Do you know if there is some official city
16 definition that defines the neighborhood of
17 Shenandoah?

18 A. Not that I'm aware of.

19 Q. Are you aware of anything for any of the
20 neighborhoods that officially defines what the area of
21 any of the neighborhoods in the City of Miami are?

22 A. Not that I'm aware of.

23 MR. LEVESQUE: Why don't we take a short
24 five-minute break.

25 THE WITNESS: I was just thinking the same

1 thing.

2 (Thereupon, a recess was had from
3 3:06 p.m. - 3:14 p.m.)

4 MR. LEVESQUE: We can go back on the
5 record.

6 BY MR. LEVESQUE:

7 Q. Mr. Johnson, I'm going to show you an
8 exhibit that we are going to mark as Document 77. I'm
9 sorry. Defendant's Document Number 77.

10 (Thereupon, City of Miami Commission
11 Districts Adopted June 14, 2023 were received as
12 Defendant's Exhibit 77 for identification.)

13 Q. Mr. Johnson, I will represent to you that
14 these are the plans that were attached to the
15 resolution that the City of Miami Commission adopted,
16 and it might be a visual representation of the
17 districts that might be a little bit easier to see
18 because in addition to the large blowup that's on the
19 first page, if you flip through you will see that
20 there are larger versions that permit you to better
21 ascertain some of the boundaries of the district. Do
22 you see that?

23 A. Yes.

24 Q. And in looking at District 3, would you
25 agree that at least for the southeastern part of the

1 district it generally follows major roadways that
2 would include Bayshore Drive and Miami Avenue?

3 A. Bayshore Drive and Miami Avenue. It does
4 follow those, yes.

5 Q. And then for a portion of the -- the top
6 part of the foot it follows South Dixie Highway?

7 A. Oh, yes. Yes.

8 Q. And then at the northeastern part, once it
9 has the little jog over to Southwest 2nd Avenue, it
10 comes up and essentially follows the river all the way
11 up to Northwest 18th Avenue?

12 A. Yes.

13 Q. You would agree that the river would be a
14 natural geographic boundary?

15 A. Yeah.

16 Q. In looking at this map, and I know it
17 doesn't have the neighborhoods on there, does that
18 help you better ascertain whether The Roads is
19 entirely within District 3 or not?

20 A. No.

21 Q. Okay. Are you able to generally identify
22 where you live on this map?

23 A. Yes.

24 Q. If I could ask you -- I'm going to hand you
25 a pen. If I could ask you to mark on that map where

1 you live and you can either put a little circle or dot
2 and circle it or however you'd like to indicate where
3 you live.

4 A. Okay.

5 Q. Okay. If you could show that to your
6 counsel too.

7 So at least as it appears do I understand
8 that you live west of Miami Avenue?

9 A. Yes.

10 Q. Mr. Johnson, I'm going to show you another
11 document that I'm pretty sure you've seen before and
12 this we're going to mark as Defendant's Document 2438.

13 (Thereupon, Declaration of Jared Johnson
14 was received as Defendant's Exhibit 2438
15 for identification.)

16 Q. Mr. Johnson, do you recognize that
17 district?

18 A. The district indicated on the declaration?

19 Q. I'm sorry. Do you recognize that document?

20 A. Yes, I do.

21 Q. And for some reason I have verbal problems
22 occasionally. It's never been diagnosed, but I might
23 substitute words inadvertently. If I do that, please
24 draw that to my attention.

25 A. That's okay.

1 Q. So you have seen this declaration before?

2 A. Yes.

3 Q. Did you write this declaration?

4 A. In conjunction with my counsel.

5 Q. And I don't want to know anything about
6 what you discussed with your counsel, but I would like
7 to ask you about some of the statements in here. In
8 paragraph four, you state, "I want what is best for
9 Miami and my community here." What do you believe is
10 best for Miami and your community?

11 A. In the context of representation, wanting
12 to ensure that the residents of Miami feel empowered
13 to elect officials that have their interests as their
14 priority.

15 Q. And with a democratic process that
16 sometimes is divided, how do you translate that to
17 what is best for Miami and your community?

18 A. The core of democracy is the power of the
19 people and, you know, empowering people to have a
20 voice in their elected officials includes both the
21 votes they cast at the ballot box as well as ensuring
22 that the districts that they are members of are
23 indicated by them -- like the voters are able to
24 choose their districts and not commissioners choosing
25 their voters, I think, is the ideal.

1 Q. Well, there would be a solution if that
2 were the case that would involve the district maps
3 having to be adopted by voter referendum, if that were
4 the case. Would you agree?

5 A. Not necessarily.

6 Q. Okay. Well, at least under the City's
7 current governance model, the city commissioners are
8 responsible for drawing the districts, correct?

9 A. Correct.

10 Q. And every single one of those commissioners
11 were elected to the city commission not even from
12 either of these maps. Do you have any dispute as to
13 the legitimacy of their holding office based upon
14 their election to the districts from 2013?

15 A. I wasn't a resident during 2013. I don't
16 have a lot of insight in terms of how those districts
17 were created at that time. My only perspective is
18 based on the maps that were presented by the City.

19 Q. In an ideal world an elected representative
20 will represent all of their constituents regardless of
21 how elections turn out, correct?

22 A. In an ideal world, yes.

23 Q. And some representatives are better at
24 trying to walk that line than others, would you agree?

25 A. Walk the line of --

1 Q. Being a faithful public servant and
2 representing all of their constituents' interests?

3 A. Yes.

4 Q. And that's going to vary from elected
5 representative to elected representative?

6 A. Yes.

7 Q. And it's not necessarily going to be
8 dependent on party or political affiliation or
9 anything like that because you might have someone who
10 only pays attention to some of their constituents in
11 either party, in either race regardless of any of
12 those other factors. There's going to be a great deal
13 of variability. Would you agree with that?

14 A. Yes.

15 Q. In paragraph five, you state that "I
16 believe that the process of creating the map should
17 have been fairer, including to Black residents of
18 Miami." Can you explain that statement?

19 A. I believe that the existing process of
20 creating the map, which, you know, from my perspective
21 was racially gerrymandered, did not adequately
22 represent the voices of Black residents. My
23 assumption is that if Black residents' voices were
24 heard in the way in which I believe they should have
25 been, then we would not have had a racially

1 gerrymandered map in the beginning. It would have
2 reflected something along the lines of what, you know,
3 we have put forth in the four maps that have been
4 crafted by the plaintiffs. And, again, there can be
5 nuances in terms of some of the boundaries within
6 those maps but, you know, the statement is essentially
7 saying that I don't believe that Black voices were
8 represented adequately in the drawing of the lines of
9 the map on the 2022, as well as the remedy in 2023.

10 Q. Okay. When you're referencing the Black
11 voices not being heard was that in relation to
12 District 3 or was it in relation to other districts?

13 A. Miami as a city. Not just District 3.

14 Q. Okay. And so how were Black voters -- I
15 guess, what were Black voters calling for in terms of
16 the drawing of the districts?

17 A. I think Black voters are consistent in
18 ensuring that districts aren't racially gerrymandered.
19 That's the core message from Black voters.

20 Q. Were you aware -- let me ask this.
21 District 5 -- District 5 is a district that, I think
22 the parties agree, is required by the Voting Rights
23 Act. District 5 is a district that is required to be
24 drawn to perform for the Black candidate of choice.
25 The preferred Black candidate. The Black preferred

1 candidate. Would you agree with that statement?

2 A. I'm unaware of the statutes that govern the
3 creation of District 5.

4 Q. So whether the City or the plaintiffs in
5 drawing their maps deliberately considered race in the
6 drawing of District 5, as the voting rights required
7 of them, that's not anything that you have knowledge
8 of one way or another?

9 A. I do not.

10 Q. Are you critical of the way the City drew
11 District 5?

12 A. I have, at this point, no -- I look at
13 the -- you know, primarily the district that I'm in.
14 That's where my primary focus has been.

15 Q. Okay. And so going back to District 3,
16 what about the City's drawing of District 3 could have
17 been fairer to Black residents?

18 A. I believe the maps that we, as the
19 plaintiffs, put forth represent, you know, my input
20 and my perspective, as well as the perspective of
21 other plaintiffs. So I stand by the maps that we've
22 put forth in terms of that.

23 Q. And you referenced the input and the
24 perspective that you referenced. Are you aware of
25 whether the plaintiffs held community meetings to seek

1 input on the map drawing process?

2 A. I am.

3 Q. Did you attend any of those meetings?

4 A. No.

5 Q. And I don't mean this to be punchy or
6 something but --

7 A. Sure.

8 Q. -- you're not an elected representative,
9 correct?

10 A. No.

11 Q. Have you ever thought about running for
12 office?

13 A. I have.

14 Q. Are any of the plaintiffs elected
15 representatives?

16 A. Not that I know of.

17 Q. Do you know who drew the plaintiffs' maps?

18 A. I don't believe one individual drew the
19 plaintiffs' maps.

20 Q. Do you know the individuals that would have
21 been involved with drawing the plaintiffs' maps?

22 A. Plaintiffs, as well as our counsel.

23 Q. Do you know if all of those meetings where
24 they had sessions drawing the maps, were they
25 recorded?

1 A. I'm not aware.

2 Q. Were they noticed and made available to the
3 public so that everybody could understand what you
4 were doing and what you were discussing when you did
5 it?

6 A. I'm unaware.

7 Q. What could the City have done to be fairer
8 to Black residents in District 3 in drawing District
9 3?

10 A. I believe there could have been more
11 outreach to Black residents of the City to get
12 perspective. You know, prime example is the map that
13 the plaintiffs put forward, you know, and the City
14 came back with a map that was -- didn't seem like a
15 compromise. It seemed like a very similar map to what
16 was already being provided. So to me it is almost a
17 validation of my assumption of not taking Black voices
18 seriously into account as the lines are being drawn on
19 the map.

20 Q. Are you aware that during the first round
21 of redistricting the issue of District 4 going down
22 and taking a little cut of Coconut Grove was a big
23 point of contention?

24 A. I do recall, yes.

25 Q. Do you recall that there was an area of the

1 west Grove that was included in District 4 that people
2 were not happy about?

3 A. I do recall, yes.

4 Q. What's your understanding of the racial
5 makeup of the west Grove?

6 A. My understanding is the west Grove is a
7 predominantly Black neighborhood.

8 Q. And that's one of the, say, few areas where
9 gentrification hasn't completely displaced the Black
10 population down there; is that correct?

11 A. I would -- I would say that's correct.

12 Q. And when the City redrew the lines in 2023,
13 you do see where they included that area of the
14 western Grove back into District 4 -- I'm sorry --
15 District 2, correct?

16 A. Correct. Yes.

17 Q. And so that road actually follows, I
18 believe at that point it might be US-1 or Dixie
19 Highway?

20 A. Dixie Highway.

21 Q. So that would be an area where at least the
22 second time around the City listened to the
23 constituents and they included that back in the west
24 Grove, correct?

25 A. I can't speak for the motivations as to the

1 amendment of that section of the map, but that part
2 has changed relative to the original map. That's
3 correct.

4 Q. Do you think that was a change that the
5 City made for racial reasons?

6 A. Racial -- define racial reasons in this --

7 Q. Well, did they move it back in to racially
8 gerrymander the map?

9 A. The map holistically is racially
10 gerymandered.

11 Q. Explain that.

12 A. I already discussed it. We've talked about
13 data. We've talked about the preliminary injunction
14 which I know the court of appeals still has to decide
15 on but I think there's reason to believe that -- and
16 the statements that were also articulated by the
17 commissioners as well that are on record, holistically
18 indicate that there was racially gerrymandering
19 associated with the creation of this map -- of the
20 original map and this map being very similar with some
21 small adjustments still very much mirror the map that
22 was originally racially gerymandered.

23 Q. Have you gone back and watched or reviewed
24 any of the original city commission meetings?

25 A. No, I have not.

1 Q. How are you aware of what was said at those
2 meetings?

3 A. Because I read statements from those
4 meetings.

5 Q. When you say you've read statements, where
6 did you read statements?

7 A. In Judge Moore's decision from the
8 preliminary injunction.

9 Q. So the basis for your understanding that
10 the City racially gerrymandered the map is reading
11 Judge Moore's opinion?

12 A. That's not the original because the opinion
13 happened after seeing that those statements are also
14 there as well that indicate the racial gerrymandering
15 based on conversations by commissioners themselves.

16 Q. I understand that but, I guess, did you
17 read the statements before Judge Moore's ruling?

18 A. I was aware of the statements.

19 Q. And how did you become aware of the
20 statements?

21 A. As a plaintiff and as part of Engage Miami.

22 Q. Okay. So was it from reading the amended
23 complaint?

24 A. I'm using the amended complaint to make my
25 argument. That's not the first time I understood that

1 commissioners had made statements and the statements
2 are written down in Judge Moore's decision.

3 Q. I understand that they're written down and
4 I understand they're written in the amended complaint
5 but apart from -- and in the original complaint.

6 A. Yes.

7 Q. Apart from those three documents, where did
8 you --

9 A. Like I said, I had conversations with
10 people in Engage and the plaintiffs about those
11 comments as well.

12 Q. So your understanding of what was said and
13 what was meant is not actually from going back and
14 looking at the full transcript of the hearings. It's
15 from your conversations with your fellow plaintiffs,
16 it's from reading pleadings that have been filed in
17 this case?

18 A. Correct.

19 Q. As it relates to the 2023 plan, were you at
20 the June 14th meeting?

21 A. The June 14th commission meeting?

22 Q. Yes.

23 A. City of Miami? No.

24 Q. Did you view that meeting? Watch the
25 video?

1 A. Watch the video, no.

2 Q. Did you read the transcript?

3 A. No.

4 Q. Is your understanding of what was said at
5 the June 14th meeting related to the 2023 map all
6 derived from either the pleadings, Judge Moore's
7 order, or your conversations with plaintiffs?

8 A. Yes.

9 Q. Paragraph six says, "As a resident of the
10 newly enacted city commission District 3, I am
11 concerned that Black residents like me have been
12 categorized and stripped from my district on the basis
13 of our race." When you say "stripped from my
14 district," what district are you being stripped from?

15 A. My assumption would be, you know, my
16 preference being in District 2 and being placed in a
17 District 3 was the context around that statement.

18 Q. Do you know if you get to pick your
19 district as a resident of Miami?

20 A. No.

21 Q. Would you agree that the only way to pick
22 your district is buy or rent a residence within that
23 district?

24 A. I'm sorry. What was the last part you
25 said?

1 Q. Buy or rent a residence in that district.

2 A. Rent a residence. What's a rent a
3 residence?

4 Q. Rent. It's a verb. Buy or rent a
5 residence in the district.

6 A. Yes.

7 Q. So if you wanted to be in District 2, you
8 could rent an apartment in District 2?

9 A. I got it. I understand. Yeah.

10 Q. Now, you state that, "Black residents like
11 me have been categorized and stripped from my
12 district." What category did the city commission put
13 you in?

14 A. Black resident.

15 Q. Okay. And when they put you in District 3,
16 what were they trying to accomplish?

17 A. I believe by placing the boundaries around
18 District 3 that were indicated on the map that there
19 was racial intent behind the creation of that
20 district.

21 Q. I understand racial intent but what I'm
22 asking is, what were they trying to accomplish? Were
23 they trying to make District 2 less Black by putting
24 you in District 3 or were they trying to make District
25 3 more Black by putting you in District 3?

1 A. I can't speak for the exact nuance of 2
2 versus 3. All I know, from my perspective, is that
3 because there was racial intent associated with the
4 creation of that district, which in my opinion dilutes
5 the power of Black voters in the City of Miami, that's
6 why the statement was provided in the declaration.

7 Q. Now you said something different that I'll
8 need to ask you about. You mentioned that it dilutes
9 the Black voting power in the districts. How does it
10 do that?

11 A. Racial gerrymandering by definition does
12 that.

13 Q. You're in District 3. Before the maps were
14 drawn, do I understand correctly that you were in
15 District 2?

16 A. I believe I was in District 3.

17 Q. So before the districts were drawn you were
18 still in District 3?

19 A. Correct.

20 Q. Other than District 2, is there any other
21 district that you would conceivably naturally fall
22 into?

23 A. No.

24 Q. Okay. Do you know what the Black voting
25 age population is in District 2?

1 A. I do not.

2 Q. Do you know if you were included in
3 District 2 that there would be a significant boost to
4 the Black voting age population in District 2?

5 A. Can you repeat that? I'm sorry.

6 Q. Sure. Well, let me ask it this way. Do
7 you know if there is generally in the Brickell area
8 sufficient Black population that if they put them in
9 either District 3 or District 2 that they would change
10 the Black voting age performance for either of those
11 districts?

12 A. Off the top of my head I'm not aware

13 Q. And I think earlier you indicated that, at
14 least based upon your observation walking around
15 Brickell and living in the area, being familiar with
16 the general racial makeup, Hispanics and whites make
17 up the vast majority of the residents in that area,
18 correct?

19 A. Based on my observations, yes.

20 Q. It's fair to say that you in that area are
21 a minority living in Brickell?

22 A. Yes.

23 Q. Are you aware that the City of Miami has
24 approximately 70 percent -- 17 percent Black voting
25 age population within the city limits?

1 A. I'd read a number but I couldn't recall but
2 that sounds...

3 Q. Are you aware that a vast majority of those
4 residents actually live in the geography that is
5 placed in District 5?

6 A. I am not aware of that, no.

7 Q. Are you aware that the City of Miami has
8 roughly a 70 percent voting age population for
9 Hispanics?

10 A. I was not aware of the exact number.

11 Q. Roughly 14 percent for white voting age
12 population within the city limits?

13 A. I wasn't aware of that number.

14 Q. So none of those numbers affect your view
15 of the racial makeup of how the district might
16 actually look if you actually had the numbers?

17 A. No.

18 Q. So at least as it relates to being
19 categorized and stripped from the district, you have
20 no understanding or no idea what the City might have
21 been trying to accomplish by doing that?

22 A. I know based on, again what I said earlier,
23 the intention of the City to racially gerrymander my
24 district as well as the districts beyond my district.

25 Q. When you say, "stripped from my district,"

1 and you were in District 3 before, and you are in
2 District 3 now, can you explain like where are you
3 being stripped from?

4 A. Again, I think that for me in the
5 redistricting, because obviously over time
6 demographics change and whatnot, I believe that
7 personally I should have been in District 2. And by
8 being placed in District 3, you know, in the context
9 of the creation of the map more generally I believe
10 that it was done with racial intent.

11 Q. But your basis for understanding, you know,
12 the changes in demographics, that only picks up from
13 about 2021, right, when you moved here?

14 A. Sure.

15 Q. You haven't looked historically back as to,
16 you know, how those districts were configured, whether
17 they've always been configured that way or not,
18 correct?

19 A. Correct.

20 Q. In paragraph eight, you say, I am concerned
21 that the commission map splits my neighborhood,
22 Brickell, along racial lines between Districts 2 and
23 District 3. Going back to the maps that we were just
24 looking at, looking at District 3, which lines are
25 being drawn and what race is on the side of each line

1 in terms of splitting Brickell there?

2 A. Can you repeat that question? I was
3 looking at --

4 Q. Sure. Let's start with which lines split
5 Brickell along racial lines.

6 A. I mean the line that -- the line that's in
7 Brickell. There's only one line.

8 Q. Is it just the fact that Brickell is split
9 that it's split along racial lines?

10 A. District 3 -- again, it's not just Brickell
11 but it's being in District 3 versus District 2. So
12 the split of Brickell, you know, where it is and then
13 creating a District 3 with that part of Brickell
14 within it, you know, is a racial gerrymander relative
15 to me being in District 2 and that line being there.

16 Q. But in your statement, though, you say that
17 splits my neighborhood, Brickell, along racial lines
18 between District 2 and District 3.

19 A. Right. Because district -- sorry.

20 Q. The way that I read that is that the City
21 is drawing a line and there are people on one side of
22 the line that are one race and people on the other
23 side of the line that are a different race and that
24 they're doing that deliberately to keep those races
25 separate. Is my understanding of what you mean by

1 that statement correct or incorrect?

2 A. It's incorrect.

3 Q. Okay. Explain to me, then, what you mean
4 by that statement.

5 A. So District 2 and District 3 comprise not
6 just of Brickell but of other parts of the City of
7 Miami. So the statement is essentially saying that
8 within the Brickell neighborhood where the boundary
9 occurs, that within my part of Brickell plus District
10 3, is racially gerrymandered relative to the other
11 part of Brickell with the totality of District 2.

12 Q. What is your understanding of why the City
13 had to redraw the lines in the first place?

14 A. My understanding is that there is a
15 redistricting process that occurs on a specific
16 cadence.

17 Q. Is it something that they always have to do
18 or is it something that is required when there's a
19 particular event?

20 A. That I'm not sure of, if there's any
21 specific events. My understanding is that there is a
22 specific cadence that redistricting does take place.
23 I'm not exactly sure if there's any sort of ad hoc
24 event that would necessitate a redistricting.

25 Q. So when it comes to a government's

1 obligation to draw new district lines, are you aware
2 that there are requirements under the Unites States
3 Constitution that require under the equal protection
4 clause that districts be redrawn after the census to
5 provide for the one person, one vote requirement?

6 A. I don't have a lot of understanding of the
7 law but I believe that that's the case to my
8 understanding.

9 Q. And the idea being that, theoretically, if
10 a city never redistricted and they had huge population
11 shifts, you might have one district with 20 people,
12 one district with 100 people, and the people with the
13 ten-person district their vote counts more than the
14 people with the hundred-person district. Does that
15 make sense?

16 A. That does make sense, yes.

17 Q. Are you aware after the 2020 census which
18 of the City's districts were overpopulated and which
19 of the City's districts were underpopulated?

20 A. I'm unsure of the districts that were under
21 and overpopulated.

22 Q. Would it surprise you if District 2 was the
23 only district that was overpopulated?

24 A. No.

25 Q. Why is that?

1 A. Look at the skyline.

2 Q. There's a lot of building going on?

3 A. Yes.

4 Q. In paragraph nine, you say, "The border
5 between Districts 2 and 3 is just a block and a half
6 to the east of my apartment. In my view it is more
7 logical to keep all of my Brickell neighbors together
8 in one district because our neighborhood has
9 common issues of being an urban, dense,
10 transit-oriented, coastal neighborhood that can more
11 sensibly be served by a single commissioner." Would
12 you agree that on some level the lines have to go
13 somewhere?

14 A. Yes.

15 Q. And if there's a constraint of trying to
16 keep generally population equal amongst the districts,
17 some neighborhoods might have to be split?

18 A. Yes.

19 Q. Would you also agree that some
20 neighborhoods might actually benefit from having more
21 than one commissioner represent them?

22 A. There could be some benefits, yes.

23 Q. So if a neighborhood has two commissioners
24 that represent them and they're both zealous advocates
25 for them, that's two of the three votes they need to

1 get a majority in the city commission, correct?

2 A. Potentially, yes.

3 Q. In paragraph ten, you say -- do you have
4 any reason to believe that that would not be the case
5 for Brickell?

6 A. To --

7 Q. Let me back up. Forget the mixing of two
8 different questions.

9 A. Sure.

10 Q. Going back to what we were discussing
11 before, do you have any reason to believe that if
12 Brickell is represented by two commissioners, in this
13 case a commissioner from District 3 and District 2,
14 that they wouldn't have at least one commissioner
15 zealously representing them?

16 A. If there are two commissioners that -- I
17 just want to make sure I understand the question. If
18 there's two commissioners that are representing
19 Brickell, do I assume that one of those commissioners
20 would be like zealously supporting --

21 Q. Do you have any reason to believe that at
22 least one of them would not be?

23 A. At least one of them would not be?

24 Q. Yes.

25 A. It's possible.

1 Q. Possible but --

2 A. It's possible.

3 Q. And it's possible that both commissioners
4 could zealously represent them and Brickell might be
5 doing really well in terms of the needs that address
6 an urban, dense, transit-oriented coastal
7 neighborhood's particular problems?

8 A. Possible. Yes.

9 Q. In paragraph ten, you say, "I am also
10 concerned that District 3 is predominantly driven by
11 racial considerations that are not geared toward fair
12 representation for minority residents." Which
13 minority residents are you talking about?

14 A. In this case Black residents specifically.

15 Q. How would it make it more fair for Black
16 residents? I guess, what would be your solution to
17 the City's map? Is it the plaintiffs' maps?

18 A. Correct. Yes.

19 Q. In paragraph 11, you say, "I believe that
20 the racial classification of voters in the commission
21 map prevents fair representation on the city
22 commission." What do you mean by that statement?

23 A. As I said previously, racial gerrymandering
24 by definition dilutes the power of the racial groups
25 that they are gerrymandering. So in this case if

1 there's a racial gerrymandering that is taking place,
2 which we believe that there is, then it follows that
3 we would not have a fair representation on the city
4 commission.

5 Q. Okay. When you're talking about dilution,
6 that means that one group of voters are being placed
7 into a particular district and they are making it such
8 that their voice, which would make a difference in the
9 other district, is being diluted. Do you agree with
10 that general definition?

11 A. Yes.

12 Q. So my question is, with the way the City
13 drew District 3, what district are the Black voters
14 being stripped from that they would have an impact on
15 that they're now being deprived of?

16 A. I'll go back to my answer. The maps that
17 we put together, you know, all four of those options
18 reflect our perspective of how Black power -- or Black
19 voting power, rather, would not be diluted.

20 Q. Mr. Johnson, I am now going to show you
21 Exhibit 8234.

22 (Thereupon, Plaintiffs' Map 1 was received
23 as Defendant's Exhibit 8234 for identification.)

24 THE WITNESS: Thank you.

25 BY MR. LEVESQUE:

1 Q. Mr. Johnson, do you recognize that
2 document?

3 A. Yes.

4 Q. Did you review and approve this document
5 before it was shared with the city commission?

6 A. I can't remember the timing, but I did
7 approve this document, yes.

8 Q. Did you have input into this document?

9 A. Provided my perspective, yes.

10 Q. Did you like the way they drew Brickell in
11 this map?

12 A. Yes.

13 Q. Do you see where they split the town of
14 Edgewater?

15 A. Yes.

16 Q. Would you agree that there are
17 neighborhoods that are not kept whole in this
18 district?

19 A. With the assumption that the boundaries of
20 Edgewater are represented by the text there, then,
21 yes, it does seem that -- at least for that
22 neighborhood there is some splitting of them.

23 Q. Are you aware that plaintiffs' maps unite
24 an area of West Miami that has never been joined in
25 single member districts?

1 A. I'm not familiar with previous maps of
2 Miami so I'm unaware of that.

3 Q. I'm going to ask you to briefly take a look
4 at what we're going to mark as Defendant's Exhibit
5 2480.

6 (Thereupon, 1997 Plan was received
7 as Defendant's Exhibit 2480 for identification.)

8 Q. I'll represent to you that this is the
9 first redistricting plan that was originally drawn by
10 the city commission back in 1997.

11 A. Okay.

12 Q. And you can see in that area of western
13 Miami Flagami is split between District 1 and District
14 4. And even if you look back at the City's most
15 recent plan, that first page --

16 A. Yes.

17 Q. -- you see that that area of Flagami is
18 still split between District 1 and District 4.

19 A. Yes.

20 Q. Do you believe that community input is
21 important for a city commission to listen to?

22 A. Yes.

23 Q. Would you agree that a lot of times when
24 people come and speak before the City sometimes there
25 might be constituents who are advocating for things

1 that are at odds?

2 A. Yes.

3 Q. Are you aware of anyone who came forward
4 and requested that Flagami should be united into one
5 district?

6 A. I can't recall.

7 Q. Do you know why in every version of the
8 plaintiffs' map they kept Flagami whole in one
9 district?

10 A. I can't recall the exact rationale for --
11 what is this, District 4?

12 Q. Yes.

13 A. For that specifically.

14 Q. Have you looked at or studied any of the
15 racial statistics for any of the plaintiffs' plans?

16 A. Yes. I believe the -- what I had mentioned
17 earlier that -- I still can't remember the expert's
18 name. I believe that same expert did evaluate the
19 demographical data with the maps that we had provided.

20 Q. Are you referring to Dr. Moy or Dr. Abott?

21 A. I believe it was Dr. Abott but I can't a
22 hundred percent recall the name.

23 Q. What is your understanding of the either --
24 for lack of a better term -- the goal or the
25 philosophy or the theory behind plaintiffs' Map 1?

1 A. The philosophy is to, number one, keep
2 constrained geographical areas and then also not
3 racially gerrymandering the city.

4 Q. Are you aware that the city commission
5 publicly discussed the criteria that they wanted their
6 map drawer to follow?

7 A. I do recall -- let me ask a follow-up
8 question, just to make sure I'm understanding. In
9 regards to the remedy map -- the 2023 map?

10 Q. No.

11 A. The 2022?

12 Q. I'm referring to initially when the City
13 first started out on this little journey they passed a
14 resolution or adopted a resolution that specifically
15 directed the map drawer to consider certain criteria.

16 A. I can't recall.

17 Q. And is that you can't recall if they did it
18 or you can't recall --

19 A. No. I can't recall --

20 Q. -- the specific criteria?

21 A. Yeah. The specific criteria.

22 Q. All right. I'm going to show you what
23 we're going to mark as Defendant's Exhibit 8235.

24 (Thereupon, Plaintiffs' Map 2 was received
25 as Defendant's Exhibit 8235 for identification.)

1 THE WITNESS: Thank you.

2 BY MR. LEVESQUE:

3 Q. Mr. Johnson, do you recognize that map?

4 A. Yes, I do.

5 Q. And in looking at that map, you would
6 recognize that there are still neighborhoods that are
7 being split, correct?

8 A. Yes.

9 Q. And, in fact, in this map Brickell gets
10 split, does it not?

11 A. It does, yes.

12 Q. And in this map are you in District 3?

13 A. Yes, I am.

14 Q. But they keep Coconut Grove whole, correct?

15 A. It does, yes.

16 Q. There were a lot of people that requested
17 that, correct?

18 A. Yes.

19 Q. In the community meetings what is your
20 understanding of how many community meetings that the
21 plaintiffs and others conducted related to getting
22 input on their plans?

23 A. I cannot recall the exact number. I
24 believe there was at least two or three.

25 Q. Are you aware of any that occurred in any

1 of the three Hispanic super majority districts?

2 A. I am unaware.

3 Q. Are you aware of a reason why they wouldn't
4 have included meetings in any of the three Hispanic
5 districts?

6 A. I don't know.

7 Q. In drafting plaintiffs' plans, would you
8 agree that the most significantly revised districts
9 are the three Hispanic districts?

10 A. When you say the majority of the Hispanic
11 districts, are you saying Districts 1, 3, and 4?

12 Q. Yes.

13 A. Yes.

14 Q. And District 2 and District 5 are certainly
15 not exactly as they were and there are changes
16 throughout the plaintiffs' maps, I'll certainly
17 concede, but as we make our way to Map 4, they're
18 starting to look more and more like the original
19 districts. Would you agree?

20 A. The plaintiffs' Map 4?

21 Q. Yes. As we work through that process.
22 We're not there yet --

23 A. Okay. I want to make sure I didn't miss
24 anything.

25 Q. If you want to wait to answer that, just

1 tell me. That'd be fine.

2 A. That would be -- yeah. That would be more
3 helpful if I can take a look.

4 Q. You at least recognize in this particular
5 map District 2 doesn't take Silver Bluff like it did
6 in plan one?

7 A. Correct. Yes.

8 Q. But it does come further down so that
9 District 5 and District 1 take up more of the coast,
10 correct?

11 A. Yes.

12 Q. In fact, are you aware of whether District
13 1 has ever run all the way to the coast?

14 A. 1997 does not have it running up to the
15 coast. That's the only other map that I would have
16 knowledge of.

17 Q. So at least as far as you're aware, you are
18 not aware of any other map that has it?

19 A. No. I'm not aware.

20 Q. Would you agree that some of the coastal
21 areas have very different issues than some of the more
22 inland communities?

23 A. Yes.

24 Q. Now I'm going to ask you, Mr. Johnson, if
25 you could look at plaintiffs' map 8236. I'm sorry;

1 Defendant's Exhibit 8236.

2 (Thereupon, Plaintiffs' Map 3 was received
3 as Defendant's Exhibit 8236 for identification.)

4 THE WITNESS: Thank you.

5 Q. Do you recognize this map?

6 A. Yes.

7 Q. Do you know who or what group drew this
8 map?

9 A. Similar to the maps before, in
10 conjunction -- plaintiffs in conjunction with counsel.

11 Q. This particular map, do you know what
12 prompted it?

13 A. I can't recall the specific details.

14 Q. Do you recall whether there was a little
15 bit of consternation that was expressed because the
16 plaintiffs' first two maps did not include
17 historically Black Overtown in District 5?

18 A. I believe there was, to my recollection,
19 conversation around Overtown, keeping it in one
20 district.

21 Q. When you say there was a conversation, who
22 was a part of that conversation?

23 A. The plaintiffs. I can't recall the exact
24 members. The plaintiffs.

25 Q. Do you recall hearing anything about either

1 members of the Black community that live in Overtown
2 or the commissioner of District 5 objecting to the way
3 the plaintiffs' maps 1 and 2 were drawn?

4 A. I vaguely remember a conversation that
5 cited the district's comments but I can't recall the
6 full nature of that conversation.

7 Q. And you see in this plan they still keep
8 Flagami whole?

9 A. Yes.

10 Q. And you have no idea why they did that?

11 A. Again, I can't recall the exact details
12 around Flagami being kept whole, no.

13 Q. Would it seem unusual to keep an area -- or
14 to draw an area into one district that has never been
15 that way and it's not being done for population
16 reasons?

17 MS. MCNAMARA: Objection to form. You can
18 answer.

19 THE WITNESS: No.

20 BY MR. LEVESQUE:

21 Q. I am now going to show you what we are
22 going to mark as Defendant's Exhibit 8237.

23 (Thereupon, Plaintiffs' Map 4 was
24 received as Defendant's Exhibit 8237 for
25 identification.)

1 Q. Mr. Johnson, have you seen this document
2 before?

3 A. Yes.

4 Q. And this was presented to the Court as the
5 plaintiffs' preferred plan; is that correct?

6 A. Yes.

7 Q. Of the four plans that were proffered to
8 the Court as the preferred plan, which plan did you
9 prefer most?

10 A. Personal preference was map 1.

11 Q. Okay. What is your understanding of the
12 areas of Overtown?

13 A. My understanding -- clarify.

14 Q. Sure. Do you have any understanding of the
15 borders of Overtown, where they are?

16 A. I don't know the exact borders, no.

17 Q. And in this plan they still stuck you in
18 Brickell, didn't they?

19 A. Yes.

20 Q. District 3?

21 A. Yes.

22 Q. Would you agree that the configuration of
23 Districts 2 and 5 here are generally pretty similar to
24 Districts 2 and 5 in the 2013 plan?

25 A. I don't believe I have the 2013.

1 Q. You don't. But I can fix that because I
2 think what you need is one more map.

3 A. One more map. I'll see maps in my sleep
4 now.

5 MR. LEVESQUE: We're going to mark this as
6 Defendant's Exhibit 2482.

7 (Thereupon, 2013 Plan was received as
8 Defendant's Exhibit 2482 for identification.)

9 Q. Okay. This is the 2013 plan. Comparing
10 the plaintiffs' map to the 2013 plan, would you agree,
11 and I'll stipulate they are not identical, but,
12 generally speaking, you've got two similar districts?

13 A. Yeah. Broadly speaking.

14 Q. Broadly speaking, District 5 and District
15 2, if you treat them as a whole, are pretty similar
16 with probably differences around the bottom, you know,
17 there in District 2 in Coconut Grove and north with
18 the Golden Pines area and then some of the way that
19 the downtown area is handled with District 1, District
20 5, and District 2 there, correct?

21 A. Yes.

22 Q. But what is not the same as the plaintiffs'
23 map and the 2013 plan is the configuration of the
24 Hispanic districts, correct?

25 A. Yes.

1 Q. And, in fact, in every single one of the
2 plaintiffs' plans, whether it's plaintiffs' 1, 2, 3,
3 or 4, those three Hispanic districts are significantly
4 reworked; would you agree?

5 A. Yes. There is definitely a difference
6 between 2013 and Map 4 regarding those districts, yes.

7 Q. Is it your position that because of the
8 racial or ethnic makeup, that those districts had to
9 be redrawn that way?

10 A. Yes.

11 Q. Is it your position that when those
12 districts were redrawn, the racial and ethnic makeup
13 was going to be significantly different?

14 A. I'm sorry. Can you repeat that question?

15 Q. Is it your position that the racial and
16 ethnic makeup of plaintiffs' plans was intended to
17 alter Districts 1, 3, and 4?

18 A. The intention of the plaintiffs' plans is
19 to create five districts that are not racially
20 gerrymandered.

21 Q. The City's three districts all have super
22 majority Hispanic districts in both the 2022 plan and
23 the 2023 plan. Is it your position that because they
24 have super majority Hispanic districts they're
25 racially gerrymandered?

1 A. Super majorities in and of themselves don't
2 a hundred percent indicate racial gerrymandering.

3 Q. How many -- you said not a hundred percent.
4 90 percent? How far does a super majority Hispanic
5 district get you for those three districts?

6 A. Racial gerrymandering is not just in the
7 context of super majority of Hispanic voters. It's
8 also statements that have been made and intentions
9 behind the creation of those districts as well.

10 Q. Would you agree that there were statements
11 made for the 2022 plan and there were statements made
12 for the 2023 plan?

13 A. Yes.

14 Q. They weren't the same. Would you agree
15 with that?

16 A. Verbatim weren't the same. Like there's
17 statements that were made before 2022 that aren't
18 verbally identical to 2023, but there are still
19 racially motivated statements in both -- preceding the
20 creation of both of those maps.

21 Q. As we sit here today, are you able to
22 identify any racially motivated statements that you
23 would point to as a basis for your claims for the 2023
24 plan?

25 A. I can't recall off the top of my head.

1 MR. LEVESQUE: If we take about a
2 seven-minute break, I might be done.

3 MS. MCNAMARA: Okay. That works.

4 (Thereupon, a brief recess was had from
5 4:21 p.m. - 4:30 p.m..)

6 MR. LEVESQUE: We can go back on the
7 record. Mr. Johnson, I don't have any more
8 questions at this time.

9 THE WITNESS: Okay.

10 MS. MCNAMARA: I don't have very many
11 questions. But I have non-zero number of
12 questions.

13 CROSS-EXAMINATION

14 BY MS. MCNAMARA:

15 Q. So you testified earlier that you liked the
16 P1 map the most of all the maps for you personally.

17 A. Yes.

18 Q. And what about it do you like the most?

19 A. It's the only one that keeps me in my
20 preferred -- well, places me in my preferred district
21 of District 2.

22 Q. And that's District 2. Let's say they kept
23 all the districts the same but just redistributed the
24 numbers and so, let's say -- it doesn't matter but
25 we'll use P1. Let's say that we just decided in this

1 map that the green district is actually D5 and maybe
2 the yellow district is D2, and the other three or
3 whatever, would the actual numbers attached to it
4 impact your view of what district you're in?

5 A. No.

6 Q. It's about the contents of the district,
7 not the label?

8 A. Correct. Yes.

9 Q. What else -- other than the fact that
10 Brickell where you live is unified in the plaintiffs'
11 Map 1 for District 2, what else do you like about it?

12 A. Well, I think, you know, as we talked about
13 in terms of the spirit of all four maps being not
14 intentionally -- or there's no intention of racial
15 gerrymandering at all and keeping those neighborhoods
16 together are also things that stand out.

17 Q. Now, let's just say hypothetically, instead
18 of living in Brickell that you live in Natoma Manors.

19 A. Uh-hum.

20 Q. Would you still think that P1 is the best
21 district for someone who lives in Natoma Manors --
22 P1's D2 -- I'll just -- I messed that up enough. I'll
23 restart.

24 A. It's okay.

25 Q. Let's say you lived in Natoma Manors --

1 A. Yes.

2 Q. -- instead of in Brickell.

3 A. Okay.

4 Q. Would you still be happy with the way that
5 the districts are drawn such that Natoma Manors is
6 within District 2 along with all of Brickell and
7 everything else that's in District 2 on this P1 map?

8 A. I believe so, yes.

9 Q. Do you think, of the maps you've looked at,
10 that the Natoma Manors section of District 2 makes the
11 most sense in the P1 map or in one of the other maps,
12 however they're drawn? And you can look at all the
13 maps if you want.

14 A. And the question is -- to clarify, the
15 question was whether or not Natoma Manors makes sense
16 to be placed in District 2 in all the maps?

17 Q. Well, I mean, if you looked at all of these
18 maps --

19 A. Uh-hum.

20 Q. -- and you lived in Natoma Manors --

21 A. Right.

22 Q. -- which one would you think is the best
23 one -- and it's based on the fact that you're living
24 there and that's why you --

25 MR. LEVESQUE: Object to form.

1 Q. -- that's why you prefer that one.

2 A. So which of the maps I would prefer to be
3 in -- would prefer if I lived in Natoma Manors? Is
4 that the question?

5 Q. Well, let me -- here's a shorter
6 question --

7 A. Sorry.

8 Q. -- that's probably easier.

9 A. Okay.

10 Q. If you lived in Natoma Manors rather than
11 Brickell --

12 A. Yeah.

13 Q. -- would P1 still be your preferred map out
14 of all the maps?

15 A. Speaking hypothetically, yes.

16 Q. Can you look at, I believe, it's D 77.
17 That's the 2023 map. Is Natoma Manors in District 3
18 in this map?

19 A. I have to make sure I remember where it
20 actually is. Hold on. It does not look to be. Maybe
21 I'm -- it's not labeled so maybe I'm --

22 Q. If I were to represent to you that the
23 bottom little foot of the green section that says like
24 Tigertail Avenue and Bayshore Drive --

25 A. Yeah. Yeah.

1 Q. -- that that is Natoma Manors.

2 A. In this one it's District 3.

3 Q. Okay. So it looks to me as if both in
4 plaintiffs' Map 1 and in the 2023 map, that both your
5 residence in Brickell and Natoma Manors are in
6 District 3?

7 A. Correct. No. Sorry. It's 2.

8 Q. Let me rephrase that. Both your
9 neighborhood in Brickell -- your residence in
10 Brickell --

11 A. Yes.

12 Q. -- and Natoma Manors are in the same
13 district in both the 2023 map and in plaintiffs' Map
14 1?

15 A. Yes. Correct.

16 Q. Which district between the 2023 map and
17 plaintiffs' Map 1 do you think better represents
18 Natoma Manors and Brickell if you just considered them
19 and, I guess, the part that connects them?

20 A. Sure. I would say plaintiffs' Map 1. I'm
21 just trying to understand the question. I think I
22 understand it. I just --

23 Q. I'm thinking if I want to ask more
24 questions beyond that.

25 Do you think that the preference of

1 districts depends on the location or on the person who
2 lives at that location for determining that person's
3 preference?

4 A. Does the preference for the district depend
5 on the location or --

6 Q. I can --

7 A. I just feel like I'm in a very hypothetical
8 space so it's really hard for me to, like, navigate
9 it.

10 Q. You said that if you lived in Natoma
11 Manors --

12 A. Yeah.

13 Q. -- you would most prefer the P1 that is in
14 District 2 which also happens to include where you
15 currently live in Brickell?

16 A. Yes. And I'm probably biased because I'm
17 currently living in Brickell so it's really hard for
18 me to...

19 Q. Do you think that any person randomly
20 picked who lived in Natoma Manors would feel the same
21 way or do you think that, depending on who the person
22 is who lives in Natoma Manors, they might have
23 different opinions about whether they liked P1 versus
24 the 2023?

25 MR. LEVESQUE: Object to form.

1 THE WITNESS: It's possible that there may
2 be a difference of opinion there.

3 BY MS. MCNAMARA:

4 Q. But for you there wouldn't be?

5 MR. LEVESQUE: Object to form.

6 THE WITNESS: Based on the map as it
7 exists, the plaintiffs' Map 1, hypothetically, I
8 don't know if I would have an issue with this map
9 if I lived in Natoma Manors.

10 BY MS. MCNAMARA:

11 Q. Do you know anybody who lives in Natoma
12 Manors?

13 A. No, I don't.

14 MS. MCNAMARA: No further.

15 REDIRECT EXAMINATION

16 BY MR. LEVESQUE:

17 Q. Mr. Johnson, you were asked about which
18 version of the maps make the most sense to you.

19 A. Uh-hum.

20 Q. And you indicated plaintiffs' version --
21 plaintiffs' plan one made the most sense to you; is
22 that correct?

23 A. Made the most -- that's the preferred -- I
24 recall being asked the preferred map and I said, yes,
25 plaintiffs' Map 1.

1 Q. But I think in the context of
2 identifying -- well, I think you also indicated that
3 plaintiffs' plan one would better represent Brickell
4 and Natoma Manors. Did I understand that correctly?

5 A. My recollection was, in response to the
6 question is, if I hypothetically were a resident of
7 Natoma Manors would I be comfortable with the way in
8 which plaintiffs' Map 1 was drawn and I,
9 hypothetically, said yes.

10 Q. What makes Brickell and Natoma Manors ideal
11 areas that should be united in one district?

12 A. What makes -- what makes Brickell and
13 Natoma Manors ideal to be --

14 Q. In the same district.

15 A. You know, I -- I don't have all the details
16 in terms of all the characteristics of Natoma Manors
17 and Brickell. Again, I know that the spirit of this
18 map was created to both create constrained
19 geographical areas as well as, you know, ensure that
20 these areas are not racially gerrymandered. So that
21 is the extent at which I understand and as long as
22 that is the intent of this map -- you know, being in
23 Natoma Manors with that being the intent of the map
24 being drawn illustrates the reason why I answered the
25 question the way I did.

1 Q. And when you talk about the intent of the
2 map, one of the things that you've been critical of
3 the City are public statements about why they were
4 drawing the maps or public statements describing three
5 Hispanic districts, a Black district, and an Anglo
6 district?

7 A. Sure.

8 Q. You would agree that when the plaintiffs
9 drew their plans, the public wasn't present, there was
10 nobody recording --

11 A. Sure.

12 Q. -- nobody knows what the plaintiffs were
13 thinking --

14 A. Sure.

15 Q. -- and, at least at this point in time,
16 with one more day of discovery -- two more days of
17 discovery left, there's nobody that is testifying
18 about how they did anything when it comes to the
19 thought processes and what was considered --

20 A. Sure.

21 Q. -- for drawing the plaintiffs' plans?
22 Would you agree with that?

23 A. Yes.

24 MR. LEVESQUE: That's all.

25 MS. MCNAMARA: All right.

1 MR. LEVESQUE: Read or waive?

2 MS. MCNAMARA: Read.

3 MR. LEVESQUE: And we'll take a copy.

4 THE COURT REPORTER: And, Ms. McNamara, do
5 you want a copy?

6 MS. MCNAMARA: I will want a copy.

7 THE COURT REPORTER: Okay. Thank you. We
8 are off the record.

9 (Thereupon, the taking of the
10 deposition was concluded at 4:42 p.m.
11 Signature and formalities were not waived.)
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CERTIFICATE OF OATH WITNESS

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

I, the undersigned authority, certify that
JARED A. JOHNSON personally appeared before me on
October 18, 2023 and was duly sworn.

WITNESS my Hand and Official Seal this
2nd day of November, 2023.



BEATRIZ VALDES-PRIETO

Notary Public - State of Florida

Commission No. HH 005266

Expires 6-23-2024

1 REPORTER'S DEPOSITION CERTIFICATE
2 STATE OF FLORIDA:
3 SS.
4

5 COUNTY OF DADE:

6 I, BEATRIZ VALDES-PRIETO, Florida Professional
7 Reporter and Notary Public in and for the State of
8 Florida at Large, do hereby certify that I was
9 authorized to and did stenographically report in
10 shorthand the deposition of Jared A. Johnson, a
11 witness called by the defendant in the above styled
12 cause; that the reading and signing of the deposition
13 were not waived by the witness; that the foregoing
14 pages, numbered from 1 to 93, inclusive, constitute a
15 true and complete record of my stenographic notes.

16 I further certify that I am not a relative,
17 employee, attorney or counsel of any of the parties,
18 nor am I a relative or employee of any of the parties'
19 attorney or counsel connected with the action, nor
20 financially interested in the action.

21 Dated this 2nd day of November, 2023.

22 

23 BEATRIZ VALDES-PRIETO,
24 Florida Professional Reporter
25

1 VERITEXT LEGAL SOLUTIONS
2 One Biscayne Tower
3 2 S. Biscayne Boulevard - Suite 2250
4 Miami, Florida 33131

5 November 2, 2023

6 TO: Mr. Jared Johnson
7 c/o Caroline McNamara, Esq.
8 ACLU
9 4343 West Flagler Street
10 Suite 400
11 Miami, FL 33134
12 cmcnamara@acluf1.org

13 Re: Grace, Inc., et al. vs. City of Miami
14 Deposition of: Jared A. Johnson
15 Taken: October 18, 2023

16 Veritext Job Number: 6162475

17 The above-referenced transcript is available
18 for review.

19 Mr. Johnson should read the testimony to
20 verify its accuracy. If there are any changes,
21 Mr. Johnson should note those with the reason on
22 the attached Errata Sheet.

23 Mr. Johnson should, please, date and sign the
24 Errata Sheet and e-mail to the deposing attorney
25 as well as to Veritext at Transcripts-
fl@veritext.com and copies will be e-mailed to
all ordering parties.

It is suggested that the completed errata be
returned 30 days from receipt of testimony, as
considered reasonable under Federal rules*;
however, there is no Florida statute to this
regard.

If the witness fails to do so, the transcript
may be used as if signed.

Yours,
Veritext Legal Solutions

*Federal Civil Procedure Rule 30(e)/Florida
Civil Procedure Rule 1.310(e).

1 Re: Grace, Inc., et al. vs. City of Miami

Deposition of: Jared A. Johnson

2 Taken: October 18, 2023

3 E R R A T A S H E E T

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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